

ESTTA Tracking number: **ESTTA600786**

Filing date: **04/28/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92055094
Party	Plaintiff Swig, Inc.
Correspondence Address	JEFFREY A TINKER WINSTEAD PC 2728 N HARWOOD ST, 500 WINSTEAD BLDG DALLAS, TX 75201 UNITED STATES jtinker@winstead.com
Submission	Response to Board Order/Inquiry
Filer's Name	Janie Muennink
Filer's e-mail	jmuennink@winstead.com
Signature	/Janie Muennink/
Date	04/28/2014
Attachments	Notice_of_Status_of_Northern_District_of_Ohio.pdf(10520 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Reg.	§	
No. 3,885,993.	§	
For the mark SWIG.	§	
Registered December 7, 2010.	§	
	§	
SWIG, INC.	§	
	§	
Petitioner,	§	
	§	
v.	§	Cancellation No. 92055094
	§	
TEMPERANCE DISTILLING	§	
COMPANY, INC.	§	
	§	
Respondent.	§	

PETITIONER’S REPORT OF STATUS ON MOTION TO QUASH

Petitioner Swig, Inc. hereby submits the status report on the motion to quash, as follows:

1. Petitioner has received the attached order from the Northern District of Ohio court regarding Respondent’s motion to quash Subpoenas By Written Questions to Molly and Brian Pearson.

2. The Northern District of Ohio court has denied Respondent’s motion to quash in part and ruled that the answers by written questions of Molly and Brian Pearson, as provided to the court, are not privileged.

3. This status report is being timely filed in response to the Board’s request for a status update dated April 11, 2014.

Petitioner respectfully requests the Board to remove this proceeding from suspension and reset the deadlines for discovery, and in resetting the deadlines, to extend Petitioner’s testimony period by thirty (30) days, and for such other and further relief as the Board deems appropriate.

Date: April 28, 2014

Respectfully submitted,

WINSTEAD PC

/s/ Jeffrey A. Tinker

Jeffrey A. Tinker

500 Winstead Building

2728 N. Harwood Street

Dallas, Texas 75201

Telephone: (214) 745-5400

Attorneys For Petitioner, Swig, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the above Notice has been served on the following counsel of record on this April 28, 2014, via Electronic Mail as follows:

Gregg W. Emch
emch@mstfirm.com
Joseph W. Tucker
tucker@mstfirm.com
MacMillan, Sobanski & Todd, LLC
One Maritime Plaza, Fifth Floor
720 Water Street
Toledo, Ohio 43604

/s/ Jeffrey A. Tinker
Jeffrey A. Tinker